

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Appln. No.: 10/796,197
Attorney Docket No.: Q79931

REMARKS

Claims 1-17 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 6, 8, and 16 to further clarify the invention.

I. Preliminary Matter

As a preliminary matter, Applicant thanks the Examiner for acknowledging acceptance of the drawings.

II. Summary of the Office Action

Claim 6 is rejected under 35 U.S.C. §112, first paragraph and second paragraph. Claims 1-5 and 7-10, and 12-16 are rejected under 35 U.S.C. §102(e) and claims 6, 11, and 17 are rejected under 35 U.S.C. §103(a).

III. Claim Rejections under 35 U.S.C. § 112, first and second paragraphs

Claim 6 is rejected under 35 U.S.C. §112, first and second paragraphs because allegedly “markings” are interpreted to include a file name. Applicant respectfully submits that the Examiner’s interpretation is improper at least because it contradicts the specification, which discloses in exemplary embodiments that markings are additional elements added to the representation of the file *e.g.*, to indicate a difference. However, to expedite the prosecution of the above-identified application, Applicant amends claim 6 to further clarify that the element is displayed unmodified and without any additional markings. Accordingly, Applicant respectfully requests that these rejections of claim 6 be reconsidered and withdrawn.

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IV. Prior Art Rejections

Claims 1-5 and 7-10 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,278,452 to Huberman et al. (hereinafter “Huberman”). Applicants respectfully traverse these grounds of rejection *at least* in view of the following exemplary comments.

Independent claim 1 *inter alia* recite: “forming a single result directory tree in which the structural or content differences between the compared files or folders are displayed on each of upper levels of the result directory tree by predefined graphic markings; and displaying the single result directory tree on the graphic display unit, wherein the predefined graphic markings indicate origin of difference of the compared files or folders.”

That is, in an exemplary embodiment of the present invention, the origin of a file or folder that is different in the two trees being compared is identified by a marking in the result directory tree. Specifically, in an exemplary embodiment of the present invention, the origin is the source or the initial location of the respective file or folder *i.e.*, whether the file or folder was present in the first tree or the second tree of the two trees being compared. “As a result, for example, an additional folder present in the first directory tree can be highlighted in blue [on each of the upper levels], whereas an additional folder present in the second directory tree can be highlighted in green [in the result directory tree on each of the upper levels],” ¶ 14 of the specification. For example, the color blue represents the origin of the additional folders in the first tree, the color green represents the origin of the additional folders in the second tree for the respective folder on each of the upper levels, and the color red represents the origin of the additional folders in both trees, the first and second trees. It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily

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limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claim mentioned above. The Examiner alleges that the representations of the results as illustrated in Huberman, Figures 11A-11F and 12 somehow meet the unique features of claim 1 (*see* pages 15-16 of the Office Action). Applicant respectfully disagrees. Applicant respectfully submits that Huberman fails to disclose or suggest having markings on each of the upper levels and the marking (on these upper levels) representing origin of the difference.

That is, Huberman discloses that for each object in the first source that is added as a node to the tree, a second node symbol is added beside the first source symbol. Although, the comparison is displayed in a directory tree, a comparison is possible only on a single lowest level of the directory tree (Fig. 12), whereas only an upper most node displays the symbol “equal” or “not equal” (Figs. 11A-11F and 12). Therefore, on the upper most node, the user can only obtain information that the two trees are not identical and not the origin of the difference. In Huberman, the user cannot determine, from the marking “not equal,” whether the change implies that a folder not present in the first tree is present in the second tree, vise versa, or both.

Furthermore, as is clearly visible from Fig. 12 (folder “Index 414”) of Huberman, not every upper node has a marking to indicate that there is a difference. In short, Huberman does not disclose or even remotely suggest graphically marking each of the upper levels of the directory with the marking that would indicate origin or source of the differences.

Therefore, “forming a single result directory tree in which the structural or content differences between the compared files or folders are displayed on the upper levels of the result

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directory tree by predefined graphic markings, wherein the predefined graphic markings indicate origin of the compared files or folders; and displaying the single result directory tree on the graphic display unit,” as set forth in claim 1, is not disclosed by Huberman, which lacks at least indicating origin of the difference between the two trees in each of the upper levels in the result directory tree. Accordingly, Applicant respectfully submits that claim 1 is patentable over Huberman and that claims 2-5, 7, and 12-17 are patentable at least by virtue of their dependence on claim 1.

Regarding claims 8-10, the Examiner contends that the independent claim 8 is directed to a system claim, but is substantially encompassed in method claim 1. Therefore, claim 8 is rejected under the same rationale as claim 1. Applicant has already demonstrated that the teaching of Huberman does not meet all requirements of claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, independent claim 8 is patentably distinguishable from Huberman. Claims 9 and 10 are patentable at least by virtue of their dependence on claim 8.

Claims 6, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Huberman in view of U.S. Patent No. 6,912,707 to Fontes (hereinafter “Fontes”). Applicant respectfully traverses these grounds of rejection *at least* in view of the following exemplary comments.

Claims 6 and 17 depend on claim 1 and claim 11 depends on claim 8. Applicant has already demonstrated that the teaching of Huberman does not meet all requirements of claims 1

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and 8. Moreover, Fontes fails to cure the deficiencies of Huberman. Since claims 6, 11, and 17 depend on claim 1 or 8, they are patentable at least by virtue of their dependency. Therefore, Applicant respectfully requests that the rejection of claims 6, 11, and 17 over Huberman in view of Fontes be reconsidered and withdrawn.

In addition, claim 6 recites: “the files and folders, that are identically present with respect to their identity and object attributes in the compared directory trees, are shown unmodified in the single result directory tree without any additional markings.”

The Examiner acknowledges that Huberman fails to teach identical compared files and folders represented without any of the predefined graphic markings. However, the Examiner contends that the combined disclosure of Huberman and Fontes suggest the above-noted unique feature of claim 6. Applicant has carefully studied the combined disclosure of Huberman and Fontes, and Applicant respectfully submits that Huberman and Fontes do not disclose or suggest at least having the files and folders, that are identically present with respect to their identity and object attributes in the compared directory trees, are shown unmodified in the single result directory tree without any additional markings such as “same.” That is, in Fontes, the visualization of the comparison result is achieved by the result marking “same”. Without that result marking one can not determine whether files are equal or not. Consequently, the text result marking serves at least as a marking. That is, Fontes does not disclose or suggest identical compared files and folders being represented unmodified without any additional markings.

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Consequently, Fontes does not cure the deficiency of Huberman. For at least these additional exemplary reasons, Applicant respectfully requests that the rejection of claim 6 over Huberman in view of Fontes be reconsidered and withdrawn.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below to set up an interview.**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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